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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of Sidney Kastner

Serial No. 10/613,575

Art Unit 3728

Filed: March 22, 2004

Primary Examiner Marie Patterson

For: Resilient, All-Surface Soles for Footwear

ELECTION OF SPECIES

**Mail Stop Amendment
Hon. Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1250**

SIR:

In response to the Official Action mailed August 19, 2004, to which a shortened statutory period for response was set to expire one month from such mailing date, applicant respectfully traverses the requirement for restriction. However, the extent of such traverse must await an examination of the prior art to determine the bases of the claimed invention.


Complying with the requirement, applicant elects to prosecute in this application the embodiment of the invention illustrated in FIG. 6 of the drawings. Features of this embodiment include both a harder-softer-harder layer construction in which the anchor portion of the stud is located in the softer layer, as well as a recess in the outer harder layer, which recess surrounds the tip and lower shank of the stud to permit flexing thereof.

While most of the claims presently in the case read on this embodiment,
claim 12 recites a combination of elements that includes these two features of the invention.

Action on the merits of the FIG. 6 embodiment is respectfully requested.

Respectfully submitted,

Dated: September 2, 2004



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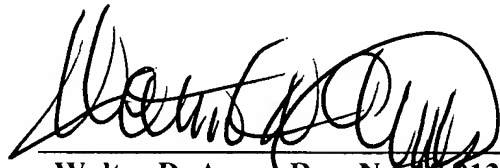
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CERTIFICATE OF MAILING

It is hereby certified that on the 2nd day of September, 2004 the foregoing Election of Species was deposited with the United States Postal Service as first-class, postage-prepaid mail in an envelope addressed to:

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